



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andre ROSENTHAL et al.

Confirmation No.: 8558

Serial No.: 09/930,213

Examiner: Marianne P. Allen

Filed: January 31, 2001

Group Art Unit: 1631

Title: DETECTION OF DIFFERENTIAL GENE EXPRESSIONS

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated April 16, 2003, Applicants hereby elect, with traverse, Group I (claims 1-15) drawn to a nucleic acid and SEQ ID NO:751 (255 nt Rattus sp. DNA).

Applicants submit that the claims, in particular the claims of Groups I-V, relate to nucleic acids that are differentially expressed in tumor cells relative to normal cells. Thus, a search of these claims would be co-extensive, and would not represent a serious search burden for the patent office. Absent a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

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**CERTIFICATE OF MAILING**

I hereby certify that the correspondence, to the extent indicated with the \_\_\_\_\_, was mailed in an envelope addressed to:  
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
Name: *Andre P. Rosenthal*  
Signature: *Marianne P. Allen*

ALBRE-14

**Declaration**

The examiner has deemed the oath or declaration filed April 26, 2002 defective. Applicants are in the process of having a new declaration executed and will forward same to the Office upon receipt.

**Drawings**

Please delete original figures 11 and 12 without prejudice or disclaimer of the subject matter recited therein.

**Specification**

Please amend page 17 of the specification as follows:

~~Figure 11 shows the nucleotide sequences of cDNAs corresponding to the identified differentially expressed transcripts. In addition to the concretely indicated sequences, Fig. 11 also contains, of course, a disclosure relative to the complementary sequences.~~

~~Figure 12 shows the nucleotide sequences of homologous human cDNAs. Fig. 12 also contains a disclosure relative to the complementary sequences.~~

~~Figure 13 11 shows a correlation of nucleotide sequences (rats) shown in Fig. 11 to the homologous human sequences according to Figure 12 SEQ ID NOS:1-335 and the corresponding T or N clone.~~

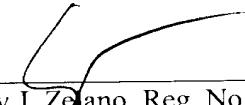
~~SEQ. ID NOS. 1-885; sequences SEQ. ID NOS. 1, 2, 3 ... 335 correspond to sequences 1, 2, 3 ... 335 according to Fig. 12. Sequences SEQ. ID NOS. 336, 337, 338 ... 632 correspond to sequences nos. 1, 2, 3 ... 297 according to Fig. 11, and sequences SEQ. ID NOS. 633, 634, 635 ... 885 correspond to sequences T1, T2, T3 ... T253 according to Fig. 11.~~

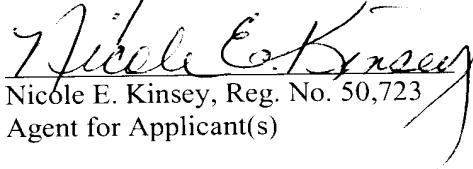
**Sequence Listing**

The examiner has stated that the statement under 37 C.F.R. § 1.182(g) is insufficient because it does not state that the paper copy of the sequence listing and the sequence listing on the CRF are identical. A new statement is attached.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Date: August 18, 2003  
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I hereby certify that this correspondence is being deposited in the U.S. Postal Service as First Class Mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22314-1450 on: 30/08/03  
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